

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL JOHN MAIER,

Plaintiff,

v.

SNOHOMISH COUNTY CORRECTIONS  
BUREAU, et al.,

Defendants.

Case No. C15-120 MJP-BAT

**REPORT AND  
RECOMMENDATION**

Plaintiff Michael John Maier, proceeding pro se, submitted an application to proceed in forma pauperis (“IFP”) in this 42 U.S.C. § 1983 civil rights action. Dkt. 1. By letter dated January 23, 2015, the Clerk informed Plaintiff that his IFP application was deficient and directed him to correct the deficiency by February 23, 2015. Dkt. 2. On February 5, 2015, Plaintiff partially corrected the deficiency but failed to provide a copy of his prison trust account statement. Dkt. 4. On February 6, 2015, the Clerk sent Plaintiff a second letter informing him that he had until March 9, 2015 to correct the deficiency. Dkt. 5. On March 25, 2015, the Court issued an Order to Show Cause directing Plaintiff to either pay the filing fee or submit a certified copy of his prison trust account statement for the last six months by April 10, 2015. Dkt. 6. On April 3, 2015, the Post Office returned the Court’s mailing to Plaintiff (containing the Court’s Order to Show Cause) marked “Return to Sender” and “Released.” Dkt. 7.

1 Local Civil Rule ("LCR") 10(f) requires represented and unrepresented parties to notify  
2 the Court of any change of address or telephone number within 10 days of the change. LCR  
3 41(b)(2) further provides:

4 A party proceeding pro se shall keep the court and opposing parties advised as to  
5 his current address. If mail directed to a pro se plaintiff by the clerk is returned by  
6 the Post Office, and if such plaintiff fails to notify the court and opposing parties  
within 60 days thereafter of his current address, the court may dismiss the action  
without prejudice for failure to prosecute.

7 To date, Plaintiff has not notified the Court of his current address, and has not filed  
8 anything to further prosecute this action. Accordingly, the Court recommends **DISMISSING**  
9 this action without prejudice pursuant to Local Rule CR 41(b)(2) for failure to prosecute. A  
10 proposed order accompanies this Report and Recommendation.

11 Any objections to this Recommendation must be filed no later than **Thursday, June 26,**  
12 **2015.** The Clerk shall note the matter for **Monday, June 29, 2015** as ready for the District  
13 Judge's consideration if no objection is filed. If objections are filed, any response is due within  
14 14 days after being served with the objections. A party filing an objection must note the matter  
15 for the Court's consideration 14 days from the date the objection is filed and served. The matter  
16 will then be ready for the Court's consideration on the date the response is due. Objections shall  
17 not exceed five (5) pages. The failure to timely object may affect the right to appeal.

18 DATED this 5th day of June, 2015.

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20 BRIAN A. TSUCHIDA  
21 United States Magistrate Judge  
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